

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:14CR306
vs.)
FREDY AGUILAR-PORTILO and)
JOSE SALAZAR-BILLALBA,)
Defendants.) ORDER

This matter is before the court on the motions to continue by defendants Fredy Aguilar-Portilo (Aguilar-Portilo) (Filing No. 74) and Jose Salazar-Billalba (Salazar-Billalba) (Filing No. 75). The defendants seek a continuance of the trial of this matter scheduled for June 6, 2015. Salazar-Billalba's counsel represents Salazar-Billalba will file an affidavit whereby Salazar-Billalba consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Counsel represent that government's counsel has no objection to the motions. Upon consideration, the motions will be granted, and **trial will be continued as to both defendants.**

IT IS ORDERED:

1. Aguilar-Portilo and Salazar-Billalba's motions to continue trial (Filing Nos. 74 and 75) are granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **July 6, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **May 27, 2015, and July 6, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 27th day of May, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge